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DIVISION NEWPORT
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In re Application of
Anthony A. Ruffa
Application No. 10/627,105
Filed: July 24, 2003
Attorney Docket No. 79865

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition to withdraw the holding of abandonment, filed April 14, 2008, which is treated under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on October 15, 2007, for failure to file a timely response to the non-Final Office Action mailed July 12, 2007, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed March 21, 2008.

Petitioner asserts that a proper response, was filed via facsimile transmission on October 11, 2007. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of facsimile transmission pursuant to 37 CFR 1.8 and was acknowledged by the U.S. Patent and Trademark Office in an Auto-Reply Facsimile Transmission.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2874 for appropriate action on the amendment filed October 11, 2007, a copy of which was submitted April 14, 2008 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions